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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE and RUSSELL E.  
 BURNS, in their respective capacities as  
 Trustees of the OPERATING ENGINEERS'  
 HEALTH AND WELFARE TRUST FUND, et  
 al.,

Plaintiffs,

vs.

GIACALONE ELECTRICAL SERVICES,  
 INC., et al.,

Defendants.

Case No.: C12-6178 SI

**STIPULATION AND ~~PROPOSED~~  
 ORDER] TO CONTINUE MEDIATION  
 DEADLINE AND CASE  
 MANAGEMENT CONFERENCE**

Complaint: 12/6/12  
 Trial: 2/18/14  
 Judge: Honorable Susan Illston

1 Plaintiffs Operating Engineers' Health and Welfare Trust Fund, et al. and Defendants  
2 Gilroy Construction, Inc. and Giacalone Design Services, Inc. through their respective counsel  
3 hereby stipulate to the following:

4 1. On May 1, 2013, the Court extended the deadline for mediation to June 29, 2013,  
5 pursuant to the parties' request. Docket No. 30.

6 2. Plaintiffs served Request for Production of Documents and Special Interrogatories  
7 on Defendants Gilroy Construction, Inc. and Giacalone Design Services, Inc., on May 10, 2013,  
8 and May 14, 2013, respectively. Defendants are still gathering the requested documents and  
9 information. Plaintiffs are agreeable to an extension until Friday July 12, 2013, for Defendants to  
10 serve responses to discovery.

11 3. On May 22, 2013, Plaintiff Pension Plan for Pension Trust Fund for Operating  
12 Engineers filed a Complaint in *Pension Plan for Pension Trust Fund for Operating Engineers, et*  
13 *al., v. Giacalone Electrical Services, Inc., et al.*, Case No. CV13-2338, to recover unpaid  
14 withdrawal liability under the Employee Retirement Income Security Act of 1974 as amended by  
15 the Multiemployer Pension Plan Amendments Act of 1980 ("Withdrawal Liability Action"). A  
16 motion to relate the Withdrawal Liability Action to this instant action was filed on May 31, 2013.  
17 Docket No. 34.

18 4. The parties previously agreed to participate in mediation with the Court appointed  
19 mediator James H. Fleming on June 18, 2013. However, the parties have not yet exchanged the  
20 information and documents that may help effectuate a settlement at the mediation and the parties  
21 seek to attempt to enter into a global settlement of the claims in this instant action and the  
22 Withdrawal Liability Action. Accordingly, the parties stipulate to participate in mediation in July  
23 and will promptly confirm a date with the mediator.

24 5. Plaintiffs and Defendants Gilroy Construction, Inc., Giacalone Design Services,  
25 Inc. will participate in the mediation. The clerk entered default against Defendant Giacalone  
26 Electrical Services, Inc. and as such, it will not participate in the mediation. Docket No. 33.

27 6. Based on the foregoing, the parties hereby stipulate to and request to continue the  
28 mediation deadline to August 1, 2013, and the Case Management Conference from July 12, 2013,

1 to August 9, 2013. At this time, said extension will not result in a modification of or the deadlines  
2 specified in the Court's Pretrial Preparation Order. (Docket Nos. 25, 26).

3  
4 Date: June 10, 2013

SALTZMAN & JOHNSON LAW CORPORATION

5  
6 By:                     //S//                      
Shaamini A. Babu  
7 Attorneys for Plaintiffs

8 Dated: June 10, 2013

SWEENEY, MASON, WILSON & BOSOMWORTH

9  
10 By:                     //S//                      
Roger M. Mason  
11 Kristen Green  
Attorneys for Defendant Gilroy Construction, Inc.

12 Dated: June 10, 2013

CHARLEY M. STOLL, A PROFESSIONAL  
13 CORPORATION

14  
15 By:                     //S//                      
Valerie L. Williams  
16 Attorneys for Defendant Giacalone Design  
Services, Inc.

17  
18 **ORDER**

19 IT IS SO ORDERED.

20 Based on the foregoing, and good cause appearing, the mediation deadline is hereby  
21 extended to August 1, 2013, and the Case Management Conference is continued from July 12,  
22 2013, to August 9, 2013, at 3:00 p.m.

23  
24 Date:         6/13/13        



25 THE HONORABLE SUSAN ILLSTON  
26 UNITED STATES DISTRICT COURT JUDGE  
27  
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